US. V. WILLIAM P SMALLWOOD

Supplemental memorandum
Submitted by,
WILLIAM.p.SmaLLWOOD 10-15-79.
Defendant. 04-10017-GAO

I FEEL as though, other Relevant Issue's
pertaining. to my Sentencing was not
Submitted. by my Attorney oF Record.
as In. Downward Departure's
In my Sentencing memorandum For
Departures. So i AM on my own behalf
Submitting Thees Relevant issues.
1). DuaL prosecution by State and federal
    Governments.
prosecution by both Federal And State Governments is
Circumstance, of a kind, not cunsidered by the
guidelines, but case remanded to determine.
whether departure, Should be considered.
because OF unFairness raised by Successive state
and federal prosecutions SEE— US.V. Haggerty
F3D 901 10th. 1993
US. V. KooN 833 F.Supp 769, 786 (CD caL 1993)
US. V. KooN 518 US. 81 (1996).

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also
Issue's on,

Delay in arrest or charges

Because of Delay In bringing federal
charges. prejudiced the Defendant's
opportunnity to obtain a Sentence concurrer
to the State Sentence i was already Servin

I was taken into custody on (July 19. 2001,)
I was Sentence to 2⊥3 years State prison
on or about (Oct. 22 2002).
~~the xxxxx~~, I was not Indicted, in Federal
Court on criminal contempt oF court until
1/21/04; when the first Attempt to Speak
to me by the government was on 1-29-03
while Serveing my State Sentence.
hence Delay on the governments part.
and Manipulation, oF Charges.

Submitted by
William. p. Smallwood

x william Smallwood
2/16/05
Randy Gioia
BBo # 193480
24 School St 8th floor boston M

③

Credit For State time.
That was based on conduct relevant to Feder
offense - Expired State Sentence.

as is stated In the Sentenceing memoraldum
To the government, my State case is
extensively Fused with the government case
under 5k2.0. the Judge has authority to
departe down From the guidelines
To take into account An expired State term
oF imprisonment that was baseD on conduc
inextricably intertwined with the Federal
offense. US.V. o'Hagan 139 F3d 641 8th
US.V. otto 176 F3D 416, 418. 8th.